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Mainstreaming of the three dimensions of sustainable development throughout the United Nations system

Report of the Secretary-General

Summary

At the United Nations Conference on Sustainable Development, the United Nations system was requested to mainstream the economic, social and environmental dimensions of sustainable development throughout its work. The three progress reports submitted since then highlighted that mainstreaming the three dimensions ultimately consisted of harnessing synergies and created opportunities that advanced sustainable development through the policies and programmes of the United Nations and averted unintended or conflicting impacts, priorities and outcomes. The reports have stimulated further exchange of information and dialogue within the United Nations system on how entities are optimizing their work according to principles of integration, including breaking silos and enhancing horizontal coordination and coordination across sectors. In the wake of such discussions, entities have sought to use tools, such as strategic plans, as core instruments that drive change throughout the United Nations system. There have also been accelerated efforts to marshal existing tools and resources, such as evaluation functions and inter-agency coordination mechanisms, to examine activities and programming that affect support at the country level, including through the lens of lessons learned from the Millennium Development Goals.

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Following the adoption of the 2030 Agenda for Sustainable Development, the present report explores how the efforts of the United Nations system to effectively mainstream the economic, social and environmental dimensions have acquired new urgency as a means to assist Member States in the implementation of this transformative agenda. The report examines mainstreaming with the objective of integrating activities and policies relating to the Sustainable Development Goals and targets, which are interlinked and indivisible and must be pursued as whole.

The report provides an update on the milestones reported by United Nations system entities and showcases how the system is coordinating around a select group of areas, specifically: (a) water as a nexus for integration, through the UN-Water case study; (b) contributions to the New Urban Agenda as a United Nations system policy-level response; and (c) the development-humanitarian nexus as an emerging frontier for cross-disciplinary system-wide integration. The report further examines accelerated efforts to translate normative work into national strategies and to support the new universal development agenda at the country level. Lastly, the report presents conclusions and provides a set of recommendations.

I. Introduction

1. At the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, in June 2012, Heads of State and Government renewed the global commitment to sustainable development and outlined a broad vision that identifies poverty eradication as the greatest challenge facing the world today and an indispensable requirement for achieving sustainable development. Member States agreed that, in order to accomplish that vision, sustainable development should be mainstreamed at all levels, integrating economic, social and environmental aspects and recognizing their fundamental interlinkages.

2. Since the holding of the Conference, Member States have stressed the importance of the agencies, funds and programmes of the United Nations system approaching their respective mandates and activities from an integrated perspective that effectively balances the three dimensions of sustainable development. Member States reiterated that call in 2015 by inviting the Secretary-General to continue to report to the General Assembly, through the Economic and Social Council, on progress made in that regard, including for the consideration of the high-level political forum on sustainable development. The present report was prepared pursuant to that request.

3. Following the adoption of the 2030 Agenda for Sustainable Development (see General Assembly resolution 70/1), efforts of the United Nations system to effectively mainstream the economic, social and environmental dimensions of sustainable development have acquired new urgency as a means to assist Member States in the implementation of this transformative agenda. It will now be useful to focus on mainstreaming, with the objective of integrating activities and policies relating to the Sustainable Development Goals and targets, which are interlinked and indivisible and must be pursued as a whole.

4. Consistent with the trends highlighted in the previous report of the Secretary-General (A/70/75-E/2015/55), the Sustainable Development Goals at the core of the 2030 Agenda provide significant momentum for institutional adaptation and change. Because of their strategic interlinkages, the Sustainable Development Goals and targets provide new impetus to the acceleration of the integration of the economic, social and environmental dimensions into the policies and actions of all development actors, including the United Nations system, as was stated in paragraph 88 of the 2030 Agenda: "We also stress the importance of system-wide strategic planning, implementation and reporting in order to ensure coherent and integrated support to the implementation of the new Agenda by the United Nations development system. The relevant governing bodies should take action to review such support to implementation and to report on progress and obstacles."

5. The present report continues to build on the previous reports of the Secretary-General (A/70/75-E/2015/55, A/69/79-E/2014/66 and A/68/79-E/2013/69), which have stimulated further exchange of information and dialogue within the United Nations system on how entities are optimizing their work according to principles of integration, including breaking silos and enhancing horizontal coordination and coordination across sectors. In the wake of such discussions, entities have sought to use tools, such as strategic plans, as core instruments that drive change throughout the United Nations system. There have also been accelerated efforts to marshal existing tools and resources, such as evaluation functions and inter-agency

coordination mechanisms, to examine activities and programming that affect support at the country level, including through the lens of lessons learned from the Millennium Development Goals.

6. As the 2030 Agenda places renewed emphasis on addressing countries in special situations, the United Nations system has been providing integrated support to the implementation of programmes of action for the least developed countries, for landlocked developing countries and for small island developing States in the context of the Sustainable Development Goals.[1]

7. Intergovernmental guidance is the foundation for the further integration of the three dimensions of sustainable development into the work of the United Nations system. It is stated in the 2030 Agenda that the high-level political forum under the auspices of the General Assembly and the Economic and Social Council will play the central role in overseeing follow-up and review at the global level. Thematic reviews of progress, including on cross-cutting issues, will also be held by the forum and buttressed by the work of the functional and regional commissions and other intergovernmental bodies and forums, reflecting the integrated nature of the Sustainable Development Goals and the interlinkages between them. The reviews will engage all relevant stakeholders and, where possible, feed into and be aligned with the cycle of the high-level political forum.

II. Updates and milestones reported by United Nations system entities

8. In addition to the Sustainable Development Goals, the year 2015 was marked by a series of far-reaching global agreements, including the Sendai Framework for Disaster Risk Reduction 2015-2030, the Addis Ababa Action Agenda of the Third International Conference on Financing for Development and the Paris Agreement under the United Nations Framework Convention on Climate Change. Together, those agreements usher in transformative change processes that will underpin the implementation of the broader 2030 Agenda. International development institutions need to direct their work at all levels towards supporting implementation.

9. Since the operationalization of the 2030 Agenda, a number of preparatory steps taken by the United Nations system to align its support for the new development agenda at all levels have now come to fruition.

10. Over the past 12 months, the United Nations system, in the context of the United Nations System Chief Executives Board for Coordination (CEB) and its subsidiary bodies, has focused its efforts on strengthening coherence and coordination in the system's efforts to transition to the 2030 Agenda.

11. The High-level Committee on Programmes is developing and has overseen the initiation of several system-wide initiatives on issue areas for which integration of the three dimensions of sustainable development is of particular relevance.

12. For instance, the Committee is holding consultations on a shared framework of action to support Member States in reducing inequalities as a core driver for

[1] These include the Istanbul Programme of Action for the Least Developed Countries for the Decade 2011-2020, the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014-2024 and the SIDS Accelerated Modalities of Action (SAMOA) Pathway.

achieving the Sustainable Development Goals. Entities are determined that combating inequalities and discrimination should remain at the forefront of leaving no one behind and ensuring that all human beings can fulfil their potential in dignity and equality in a healthy environment.

13. The Committee has also enhanced its efforts to coordinate and foster an integrated response by the United Nations system to climate change. A joint publication, entitled "How the United Nations system supports ambitious action on climate change", was made available at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change to demonstrate how the diverse United Nations system entities are working together to support climate action, for example, through such initiatives as the Global Framework for Climate Services[2] or the One UN Climate Change Learning Partnership, and to put these activities into the broader context of sustainable development. The Committee also developed common principles to guide United Nations system entities in delivering coordinated and integrated support to Member States on climate change, for endorsement by CEB.

14. The Committee has also agreed on a revised version of the United Nations Plan of Action on Disaster Risk Reduction for Resilience, entitled "Towards a risk-informed and integrated approach to sustainable development". Under the leadership of the United Nations Office for Disaster Risk Reduction, the revised Plan of Action, once endorsed by CEB, will strengthen coherence and mutual reinforcement of the resilience-building efforts of the United Nations system in support of a risk-informed and integrated approach to the achievement of the 2030 Agenda, in line with the Office's recent work on promoting coherent and integrated approaches to implementing the Sendai Framework for Disaster Risk Reduction 2015-2030 and the 2030 Agenda.

15. The United Nations Development Group is developing tools, guidelines and methodologies to assist United Nations country teams in their work to support the efforts of Member States to implement the 2030 Agenda at the country level. In this regard, support resources are being mobilized under the mainstreaming, acceleration and policy support strategy common approach. It is also working on a new set of guidelines for the United Nations Development Assistance Framework that seek to align the programmatic interventions of United Nations country teams with the requirements of the 2030 Agenda to ensure that the Development Assistance Frameworks are effective in supporting the achievement of the Sustainable Development Goals at the national level and to provide a framework for coherent support across the development, humanitarian, human rights and peacebuilding agendas of the United Nations.

16. Given the integrated nature of the 2030 Agenda, it will be important to encourage greater cooperation between the World Bank, the International Monetary Fund and the rest of the United Nations system, bearing in mind the specific mandate of each organization. In addition to activities carried out under the umbrella of CEB, various United Nations system entities have taken action to support the implementation of the 2030 Agenda within their respective mandates.

[2] The Global Framework for Climate Services is a multi-stakeholder initiative to enable society to better manage the risks and opportunities arising from climate variability and change, especially those who are most vulnerable to such risks. More information is available from http://www.gfcs-climate.org/.

17. In the previous three reports of the Secretary-General, the framework for advancing environmental and social sustainability in the United Nations system was identified as a further entry point for integrating the three dimensions of sustainable development into the work of the United Nations system. The framework provides a basic architecture for integrating environmental and social sustainability measures at three levels: (a) internal strategies and policies; (b) operational activities, by means of programmes and projects; and (c) administrative decisions, such as those on facilities management. The framework was endorsed in September 2012 by the Environment Management Group, the United Nations inter-agency coordination body on environmental issues.

18. Throughout 2015, work to promote the implementation of the framework continued through pilot projects carried out by volunteering United Nations system entities. The objective of the projects was to share lessons learned, improve understanding of the practical implications of the framework and improve the framework and the related guide that was published in 2014 to serve as a diagnostic review tool for entities that were about to start or enhance their integration of sustainability measures into operations, policy work and programmatic activities.

19. Seven volunteering entities with diverse mandates (the International Fund for Agricultural Development, the United Nations Environment Programme, the United Nations Industrial Development Organization, the United Nations Office for Project Services, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the World Food Programme (WFP) and the World Health Organization) participated in a pilot process to test the utility of the guide to the framework and the extent to which the minimum essential building blocks outlined in the framework are understood and are being considered in practice. The United Nations Development Programme was part of the pilot support team on sharing experiences and lessons learned. The pilot process was completed in December 2015, having resulted in individually designed approaches that would further enhance sustainability measures within organizations and a synthesis report summarizing the outcome and lessons learned of the pilot exercise.

20. The process revealed a need for United Nations system entities to accelerate efforts in the area of environmental and social sustainability as a means to support Member States in their implementation of sustainable development.

21. Initiatives to address facilities and operations management are also in place under the purview of the Environment Management Group, and it is also recognized that policy coherence with regard to the application of environmental and social standards and safeguards at the country level needs to be further strengthened.

22. In summary, the pilot exercise indicated a strong willingness on the part of United Nations system entities to learn from experiences across the United Nations system that strengthen policy coherence, harmonization and shared learning, while at the same time an acknowledgement that entities need to have tailored approaches to implementing the framework.

23. Going forward, strengthening and improving the framework will continue to be the basis for a common approach to environmental and social sustainability, including the implications for the 2030 Agenda, on the basis of the lessons learned.

III. Water as a nexus of integration: the UN-Water case study

24. In the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want" (General Assembly resolution 66/288, annex), it was recognized that water is at the core of sustainable development. Three years later, in September 2015, that sentiment was well reflected in the 2030 Agenda through Sustainable Development Goal 6, a universal goal for water and sanitation. Recognition of the prominence of water issues in the 2030 Agenda is significant. The role of water in the Millennium Development Goals was limited to access to water and sanitation. The 2030 Agenda now recognizes the comprehensive and interlinked role of water, demonstrating the connections within the area of water and sanitation and how these underpin other areas such as health, food, energy, elimination of poverty, economic productivity, equity and access to education.

25. Water and sanitation are key enabling factors for sustainable development, demonstrating interdependencies with other goals. At the same time, the lack of sustainable access to safe drinking water and sanitation also represents a key limiting factor to the implementation of other goals. For example, energy and food security (Sustainable Development Goals 2 and 7), are directly dependent on the availability of freshwater resources. Increasing food and energy production directly contributes to the increased generation of wastewater, which contributes to freshwater pollution, which in turn has potential negative impacts on ecosystems (threatening the achievement of, for instance, Goals 3, 12 and 14).

26. To better understand the food-water-energy-ecosystems nexus and other water and sanitation interdependencies across the 2030 Agenda, such as those between water, health, poverty and inequalities, and the potential trade-offs and synergies, in conjunction with other goals, the United Nations system has strived over the past year to enhance its interpretation of the nexus and apply it in practice. Although some entities have embraced a strong conceptual understanding of the nexus, implementation at the community level has been more challenging. UN-Water is producing a new analytical brief, due for release in 2016, which aims to be of direct use to countries in their implementation of the 2030 Agenda.[3]

27. UN-Water, the United Nations inter-agency coordination mechanism for all freshwater-related issues, including sanitation, comprises 31 agencies, funds and programmes of the United Nations system as its members and 39 international organizations, primarily from the private sector and civil society, as its partners.

28. By tying together and building on the mandates of many organizations, UN-Water serves as a platform to address the interconnected nature of water and simultaneously works to maximize system-wide coordinated action and coherence in order to help Member States to implement the 2030 Agenda and other water-related international goals and commitments.

29. Building on technical and substantive support provided by UN-Water for the elaboration of the Sustainable Development Goals and their indicators, a new inter-agency global monitoring initiative, GEMI, has recently been formed under the auspices of UN-Water. The initiative brings together an array of existing global monitoring mechanisms to form a coherent global monitoring and reporting

[3] See http://www.unwater.org/fileadmin/user_upload/worldwaterday2015/docs/2_SDG6-Interlinkages%201and2.pdf.

framework for water and sanitation in the 2030 Agenda.[4] A case study of the water-energy-food nexus is provided in box 1 below.

Box 1
The water-energy-food nexus

The water-energy-food nexus approach is being promoted and utilized by many entities of the United Nations system to manage the intensifying conflicts relating to natural resources, such as land, water and energy, to identify trade-offs and to build on synergies between different resource users.

In the Arab region, the approach is being implemented by examining the stressors, constraints and strong interdependencies that characterize the relationships between these three sectors within the regional context. This has been formally supported through an intergovernmental regional initiative on the nexus between water, energy and food security, which was adopted under the auspices of the League of Arab States and is being supported by the Economic and Social Commission for Western Asia and other partners.

The advantage of applying a nexus analytical framework to understand these complex relationships is that it can be applied to various scales of analysis and can accommodate consideration of the varying natural resources endowments and different production and consumption patterns that exist among Arab States. This can facilitate the examination of the bilateral, trilateral and iterative relationships that characterize complex challenges that stymie water, energy and food security in the Arab region, such as shared water resources management, decision-making relating to the energy mix and energy efficiency in Arab countries, and national efforts to achieve food security in the face of water scarcity, land degradation and development objectives.

Through the nexus approach, the Food and Agriculture Organization of the United Nations encourages a broader view of the water-food-environment nexus beyond freshwater resources that encompasses the integration issues of food production, social and economic development and environment relating to all types of water: fresh, brackish and marine. This is prompted by the relevance of the Sustainable Development Goals and Aichi Biodiversity Targets that relate to the marine and brackish water domains and the importance of fisheries and aquaculture for food production in these waters, as well as inland freshwater resources.

[4] See http://www.unwater.org/sdgs/en.

The nexus approach has been applied in the Red River basin in Viet Nam, where water is scarce and competition between the energy and agricultural sectors is increasing. The approach has been used in such countries as China, India and Pakistan to attempt to solve problems caused by the pumping of groundwater, which has enabled an understanding of the implications of groundwater pumps on the water, energy and food systems and broadened the scope of possible interventions.

IV. Building an integrated agenda for sustainable cities and human settlements: shaping smart and sustainable cities

30. Key performance indicators for smart and sustainable cities have been developed jointly by the Economic Commission for Europe, the Environment Agency of Austria and the International Telecommunication Union (ITU) using a multi-stakeholder participatory approach. The "United Smart Cities" project will develop smart standards and prepare sustainable city profiles. The indicators are the first of their kind to assess cities for both their smartness and sustainability, while facilitating integrated city planning. Seventy-two indicators (core and additional) are listed and grouped under the areas of the economy, the environment, and society and culture. The indicators will serve as a tool for evaluating cities and supporting them in setting sustainable development priorities, designing and implementing concrete actions and engaging multiple stakeholders. They will also contribute to the monitoring of the implementation of city-related Sustainable Development Goals and targets. The key indicators are expected to be approved by ITU Study Group 5, on the environment, at its meeting in October 2016.

31. ITU is piloting the key performance indicators in Dubai, United Arab Emirates, and Singapore to assess the efficiency and sustainability of the urban operations of the two cities. The two-year pilot projects will help in evaluating the feasibility of the indicators and contribute to their international standardization.

V. The development-humanitarian nexus

32. The 2030 Agenda demands that the pillars of development, human rights, humanitarian assistance and peace and security be drawn together in a comprehensive forward-looking strategy that seeks to meet the needs of the most vulnerable. As such, it serves as a catalyst for the United Nations system to move towards new, more holistic and integrated approaches that mobilize resources coherently across all the pillars of the Organization's mandate under the Charter of the United Nations.

33. There can be no sustainable development without peace, and no peace without sustainable development. In terms of the development-humanitarian nexus, the achievement of sustainable development has, in the past, been largely contingent on a sequential model, by which immediate humanitarian relief is followed by a transition to longer-term development support. The commitment to the core principle of inclusiveness challenges the international community to move beyond a

focus on meeting immediate needs and to instead invest in enabling solutions that, over the medium- and long-term, lead to improved, sustainable and resilient outcomes in the lives and livelihoods of affected populations, including displaced and conflict-affected populations.

34. However, experience demonstrates that in reality humanitarian crises are increasingly protracted, recurring and complex. The average length of displacement is now 17 years, and the return of refugees and internally displaced persons is at a historic low. In such contexts, humanitarian relief has involved the provision of basic socioeconomic services to affected people year after year without an end in sight, despite the short-term and life-saving nature of humanitarian assistance. This leads to humanitarian activities often lasting more than a decade, but funded by yearly humanitarian appeals, without a long-term vision for reducing needs or more sustainable approaches for providing basic services and building the resilience of national institutions, local communities and affected people. Furthermore, the United Nations system is often hampered by fragmentation and silos, either institutional or based on the above-mentioned pillars, which betray the less-than-linear paths linking peace, relief and development and further exacerbate the challenge of addressing multifaceted and long-term sustainable development.

35. In the lead-up to the World Humanitarian Summit and other pivotal events to be held in 2016, a number of United Nations entities have been working together to develop innovative thinking on joint solutions to protracted displacement. In December 2015, a think piece entitled "Addressing protracted displacement: a framework for development-humanitarian cooperation" was developed with the support of the New York University Centre on International Cooperation. It builds on the experience of the United Nations Development Programme and the Office of the United Nations High Commissioner for Refugees (UNHCR) in implementing the Regional Refugee and Resilience Plan in response to the crisis in the Syrian Arab Republic. The framework entails a new approach to strategic planning, increased reliance on localized solutions, a new way of financing and changes to policy and legislative frameworks.

36. A new approach to crisis risk management should stress the importance of system-wide tools and approaches that enhance strategic and policy coherence for prevention and incentivize predictable, timely and flexible financing, integrated multi-year planning and empowered leadership and effective decision-making in pursuit of collective outcomes.

37. Likewise, it is necessary to precipitate a fundamental shift from traditional approaches to assisting populations living in protracted displacement to a model that integrates multi-year humanitarian and development strategic planning and provides adequate resourcing of well-designed and executed livelihood programmes that address the needs of both host and displaced populations. Sustainable solutions will require greater access for displaced populations to quality employment, education and vocational training opportunities, as well as national social protection systems. It will require responses to displacement through a resilience-based approach and investment in addressing root causes of displacement whenever possible and leveraging possible positive economic impacts of displacement for local economies.

38. Through a deeper collective understanding of the drivers of shocks and crises and a willingness to embrace tools and approaches that support cross-pillar interconnectivity at the normative, programmatic, financial and analytical levels, the United Nations must develop coordinated risk-based analysis, multi-year programming and system-wide crisis risk management. Practitioners in the

humanitarian field would need to change their definition of success as well, by observing contributions to and interlinkages with the achievement of the 2030 Agenda at all levels and understanding that reductions in dependency on and overall need for humanitarian assistance at the country level are as important as the delivery of additional assistance.

39. Harmonized managerial practices across the development and humanitarian pillars would also serve as key enablers in the pursuit of an integrated approach. Ongoing efforts and mechanisms that support system-wide mobility across functions and pillars and the cross-fertilization of skills to amalgamate specializations, expertise and training opportunities across the entire system represent essential operational building blocks for establishing a global workforce for the achievement of peace, security and sustainable development and the promotion and protection of human rights.

40. The United Nations system must better conceptualize a balanced integration of State-building and peacebuilding priorities in the short, medium and long term and support solutions to challenges at the three levels. Conflict-sensitive analysis must include both short- and long-term strategies to respond to institutional deficits, which will generate support and trust for political settlements. In the immediate aftermath of conflicts and crises, it is essential that people feel their core needs are met and basic services are delivered. This can entail a wide array of cross-sectoral activities ranging from the promotion of inclusive growth to ensuring access to electricity and water and a fair distribution of goods. Tackling malnutrition at an early age, restoring primary and secondary schools to their full functionality and providing emergency employment through self-employment or small viable enterprises with targeted provisions for youth, women and internally displaced persons have demonstrated potential in signalling not only positive change, but also people's trust and hope for a swift return to normalcy.

41. To strengthen the potential for national law and policy actions to protect displaced persons, minimize dependency, increase self-reliance and foster better integration requires the firm placement of national Governments and local communities at the head of the response. In that regard, it is crucial that sustainable development actors begin to integrate the issue of displacement into national development plans; ensure access to local markets, livelihoods and the pursuit of productive and taxable economic activities; provide legal and social protections with special consideration to the vulnerabilities faced by women and children; and ensure mechanisms for transparency in the use of funds and inclusive decision-making. The success of such a new model rests on the collective commitment of Member States to operationalizing it, with the support of the United Nations system. For the United Nations system and other development actors, resilience-based solutions must be systematically integrated into workplans from the outset of crises, and assessment and planning must be approached jointly, with a view to achieving shared outcomes, and be underpinned by predictable and flexible responses and financing modalities.

42. In the area of strengthening the integration of humanitarian assistance with balanced and multidimensional sustainable development activities, many United Nations system entities have been proactive in addressing root causes of risks and crises and in focusing on prevention. For example, the Food and Agriculture Organization of the United Nations uses its technical expertise in the area of agriculture and food security to strengthen the capacity of Governments and their partners to respond to crises with a perspective on the transition from recovery to sustainable development. This is an integral part of effective strategic planning in a development-humanitarian context and ensures that the resources needed to complete the transition to sustainable development are understood to the extent possible from the outset of an emergency response.

43. Regional-level programming is seen as an enabler for progress at both the regional and the national level in the attainment of sustainable development in a post-conflict setting. Such programming builds on converging regional priorities, is based on the bringing together of humanitarian planning and wider developmental and Sustainable Development Goal priorities and should underline any future programming in the region in post-conflict settings. A case study of a more sustainable solution in Uganda is provided in box 2 below.

Box 2
Case study for a more sustainable solution in Uganda

In Uganda, UNHCR and WFP have worked together with the Government to initiate a project to improve agriculture-based livelihood opportunities in refugee and host communities. The objective of the joint project is to enhance resilience through targeted investments in the value chain that result in improved household and community nutrition and food security, access to markets, increased income and improved access to essential services. The progressive and enabling refugee policies of the Government of Uganda, notably the allocation of agricultural land, the right to work, freedom of movement and access to basic services, provide refugee populations with pivotal opportunities to meaningfully improve their socioeconomic well-being.

With land provided by the Government, refugees in Uganda are now being supported with training in post-harvest handling and storage. Non-farming activities are focused on income generation and skills training in economically viable fields, such as trade and transportation. In carrying out these activities, UNHCR and WFP are working in an integrated manner and using an inclusive approach in refugee-hosting communities across Uganda. Together with the Government of Uganda, UNHCR and WFP are contributing to enabling and developing sustainable and inclusive community-based socioeconomic and capital growth, self-reliance and resilience. Improved intercommunal relations and a more favourable protection environment represent another set of key positive outcomes in fragile refugee-hosting communities. Over time, these strategic, adequate and sustained investments in the socioeconomic and environmental sectors are expected to lead to reduced humanitarian needs and support.

VI. Translating normative guidance into country strategies

44. A number of countries have already undertaken efforts, held consultations and taken steps towards aligning national development strategies with the 2030 Agenda. There is a strong expectation that the United Nations will adjust its policy advice and technical assistance to help countries to direct national development efforts towards the Sustainable Development Goals.

45. The United Nations Development Group has adopted a common approach for effective and coherent implementation support to countries, the mainstreaming, acceleration and policy support strategy, paying special attention to the cross-cutting elements of partnerships, data and accountability. The strategy consists of efforts to help Member States to apply the global agenda to national and subnational policies, programmes and budgets; to identify synergies and trade-offs across goals to identify and address the main bottlenecks in accelerating progress across multiple Sustainable Development Goals; and to facilitate access to policy advisory support for the United Nations development system. The approach is incorporated within the United Nations Development Assistance Framework, which serves as the common strategic framework for joint programming by the United Nations country teams. The strategy also entails efforts to raise awareness of the Sustainable Development Goals, support countries' analysis of their own policies and bolster their capacity to review progress. Member States will be kept informed of progress in the implementation of these initiatives in future reports and reporting in the context of the quadrennial comprehensive policy review of operational activities for development of the United Nations system.

46. A survey conducted by the Department of Economic and Social Affairs in programme countries for the quadrennial comprehensive policy review revealed a greater need for the United Nations to mobilize resources to implement the new agenda. The capacity of the United Nations system in that regard may well have a significant impact on the future trajectory of the 2030 Agenda at the country level. The majority of the Governments surveyed expected the United Nations to play a major role in advocating and supporting the implementation of the 2030 Agenda.

47. Programme countries responded that the most important priorities for United Nations assistance were in the areas of environment and natural resources (52 per cent); sustainable development policies (47 per cent); agriculture and rural development (44 per cent); economic growth and employment (43 per cent) and health (40 per cent). The results of the survey thus suggested the need to scale up efforts to support programme countries in sustainable development policies.

48. The survey also showed that programme countries continue to prioritize United Nations support and technical cooperation in areas relating to capacity-building for local and national institutions, for statistical data collection and analysis and for joint planning and implementation of programmes through multi-stakeholder partnerships. Self-reported data from United Nations country teams show that, in 2015, 76 per cent of country teams supported the development of national plans, with a focus on the monitoring of the Sustainable Development Goals, the identification of vulnerable groups and the analysis of national status on internationally agreed goals, treaties and standards. The country teams are further supporting national statistical capacity in almost all countries (95 per cent), very often as an inter-agency effort (62 per cent) and with an emphasis on capacity

development (95 per cent). Country teams apply varied collaborative approaches to support government priorities; more than 300 joint programmes cut across the Sustainable Development Goals and more than 200 partnerships with parliaments, civil society, local government, and the private sector were established in 2015 by 132 country teams.

49. The current generation of United Nations Development Assistance Frameworks initiated in the period 2014-2015 need a more robust scope and understanding of the capacity of the United Nations to achieve the 2030 Agenda and the Sustainable Development Goals at the national level. To address these concerns, the United Nations Development Group is currently developing a new set of guidelines for the Development Assistance Frameworks that seek to ensure coherent and integrated country-level support for the implementation of the 2030 Agenda by the United Nations development system.

50. Overall, implementing the recommendations of the quadrennial comprehensive policy review will be critical, as improved coordination will further amalgamate the specializations, data, expertise, operational capacities and resources of various organizations and engage entities involved in sustainable development, peacebuilding and humanitarian affairs. At the same time, integrating the three dimensions of sustainable development is more than coordination and refers to truly integrated approaches to policy and capacity development support. Each organization should act with full awareness of the interrelations between its activities and trends and activities in related areas. Member States should continue to lead and guide coordination and integration efforts through the quadrennial comprehensive policy review and undertake reflections in a broad and inclusive manner through the dialogues and functional commissions of the Economic and Social Council.

51. Many entities started to update their guidance documents in anticipation of the 2030 Agenda so that they would be ready to adjust their strategic plans and results frameworks accordingly. Others are in the process of adapting their strategies, often in consultation with their individual governing bodies. Individual entities are changing their narratives in line with new agendas and outcomes, improving the quality and consistency of communications and using common frameworks for planning, for setting out expected results and for reporting at the global, regional, national and subnational levels.

52. A common vision for the country-level response to crises is needed for the United Nations system as a whole, with the coherence of development and humanitarian planning frameworks as its basis, including humanitarian response plans and United Nations Development Assistance Frameworks, and taking into account human rights and international humanitarian law concerns, in line with the Human Rights Up Front initiative championed by the Secretary-General.

53. The steps described above will inform the strategic content of the next generation of United Nations Development Assistance Frameworks, "Delivering as one" programmes and broader United Nations engagement at all levels. In that regard, the United Nations system could establish a comprehensive risk analysis and prioritization function and support comprehensive in-country planning and a revised Development Assistance Framework process to make the Development Assistance Framework an adaptable tool that responds to prevention needs and crises, both ongoing and recurrent. Steps taken to operationalize the Secretary-General's Human

Right Up Front initiative, to work with development actors outside the United Nations system and to enhance national capacity to achieve the Sustainable Development Goals by supporting innovative programming for self-reliance would represent a leap forward for integration, ensuring that humanitarian response plans contribute to Development Assistance Framework outcomes, which underpin the implementation of the 2030 Agenda in every country.

VII. Facilitating United Nations system accountability

54. Member States are currently shaping a framework for the follow-up and review of their implementation of the 2030 Agenda. The United Nations system and other development actors are accountable for how they support the implementation of the 2030 Agenda. A range of intergovernmental bodies, including organs of the United Nations, will be engaged in follow-up and review; the high-level political forum on sustainable development will play a central role in overseeing a network of follow-up and review processes at the global level.

55. The General Assembly, supported by the Economic and Social Council, is the principal platform for reviewing the implementation of the 2030 Agenda by the United Nations system. Future quadrennial comprehensive policy reviews of operational activities for development should not only look at how the system works as a whole, but also review its performance in terms of helping Member States with implementation in a holistic way that effectively integrates the three dimensions of sustainable development. This is a major challenge that requires new ways of working and preserving the various elements and overall balance of the 2030 Agenda. The Economic and Social Council will support the General Assembly in that regard through its annual assessment of progress in implementing the quadrennial comprehensive policy review. In that vein, the present report could support such future assessments, together with the report of the Secretary-General on the quadrennial comprehensive policy review.

56. The recent report of the Secretary-General on critical milestones towards coherent, efficient and inclusive follow-up and review at the global level (A/70/684) outlines the main building blocks of the review architecture that are already in place. This architecture will be centred on the high-level political forum, which will facilitate the sharing of experiences, including successes, challenges and lessons learned, and provide political leadership, guidance and recommendations for follow-up. It will promote system-wide coherence and coordination of sustainable development policies.

57. An inventory compiled by the United Nations system technical support team showed that many intergovernmental bodies and forums review progress and discuss policies in specific areas addressed by the Sustainable Development Goals. In addition to the functional and regional commissions and their subsidiary bodies, as well as the subsidiary bodies of the Economic and Social Council, these include intergovernmental bodies supported by the specialized agencies and other organizations of the United Nations system (see A/70/684, paragraphs 45-55).

58. The 2030 Agenda can give new impetus to the network of intergovernmental bodies and forums by providing them with opportunities to feature their work prominently at the high-level political forum, without creating a formal reporting

link to the forum or modifying their mandate or governance. All intergovernmental bodies will be invited to contribute to the high-level political forum.

59. The functional and regional commissions, expert bodies and committees of the Economic and Social Council system will contribute to technical and normative guidance for the implementation of the Sustainable Development Goals. This will be carried out in a more harmonized and coordinated manner; each body will support the global review functions of the high-level political forum and align its work with the theme of the Council's annual programme of work (see General Assembly resolution 68/1) within its respective mandate. The Council system will be required to increase its horizontal coordination and coherence when addressing all Sustainable Development Goals and submit the results of its work to the high-level political forum.

60. The 2030 Agenda mandated the relevant governing bodies United Nations system organizations to take action to review United Nations system support to implementation and to report on progress and obstacles. It is important that this mandate be followed up in the various executive boards and governing bodies.

VIII. Conclusion and recommendations

61. The work undertaken thus far by the United Nations system underscores the need to further overcome silos and seek new and collaborative approaches to integration inspired and guided by the 2030 Agenda and underpinned by empowered and effective resident coordinators and United Nations country teams that are able to collectively deliver results. All actors should develop a new attitude to achieve collective outcomes, one that takes into account the importance of risk-informed and inclusive processes in addressing the trade-offs required to pursue a holistic approach to integrating the three dimensions of sustainable development within the United Nations system as a whole.

62. With the adoption of the 2030 Agenda, the United Nations system must be ready to assist Member States with implementation and effective advancement of integrated approaches. It is suggested that:

(a) The United Nations system organizations and their governing bodies continue to emphasize the use of strategic plans as an effective framework for aligning activities with the 2030 Agenda and internalizing the Sustainable Development Goals into their respective work, as well as for enhancing accountability;

(b) The United Nations system support more holistic approaches to conflict prevention that build resilience through strengthened national capacities that ensure a sustainable development response to crises and conflicts. Organizations should provide more effective support that is grounded in post-conflict and post-crisis risk assessment informed by root causes, structural factors and triggers of conflict that have their origins in economic, social and environmental factors, as well as a vulnerability profile of disaggregated segments of the population, highlighting their capacity to recover and cope;

(c) The United Nations system commit to taking forward a transformative United Nations leadership model and support United Nations leadership development, by connecting field leaders to global knowledge and leadership

learning, drawing on leadership innovations and thinking to better tackle multidimensional challenges and providing opportunities for the next generation of United Nations team leaders;

(d) The United system implement the United Nations Plan of Action on Disaster Risk Reduction for Resilience, entitled "Towards a risk-informed and integrated approach to sustainable development" as a contribution by the United Nations to a risk-informed and integrated approach to the achievement of the 2030 Agenda for Sustainable Development;

(e) Member States invite the Secretary-General to report further on progress achieved in mainstreaming the three dimensions of sustainable development in the work of the United Nations system to the General Assembly, through the Economic and Social Council, and to the high-level political forum on sustainable development.

United Nations A/71/77

General Assembly

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Seventy-first session
Item 113 (d) of the preliminary list*
Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Letter dated 22 March 2016 from the Permanent Representative of Guatemala to the United Nations addressed to the President of the General Assembly

I have the honour to inform you that the Government of the Republic of Guatemala has decided to present its candidature for membership in the Human Rights Council for the period 2017-2019, in the elections to be held during the seventy-first session of the General Assembly in November 2016.

In this regard, the Government of the Republic of Guatemala has the honour to submit herewith its voluntary pledges and contributions to the promotion and protection of human rights, in accordance with the provisions of General Assembly resolution 60/251 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly.

(*Signed*) José Alberto Sandoval
Ambassador
Permanent Representative

* A/71/50.

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Annex to the letter dated 22 March 2016 from the Permanent Representative of Guatemala to the United Nations addressed to the President of the General Assembly

Candidacy of Guatemala to the United Nations Human Rights Council for the period 2017-2019

Voluntary pledges and contributions of Guatemala to the promotion and protection of human rights

Role of Guatemala in the promotion and protection of human rights

1. For Guatemala, human rights are intimately linked to respect for democracy and the rule of law. Therefore, strengthening the international human rights system is a high priority for the Government and a fundamental goal of its foreign policy.

2. Guatemala is fully committed to the consolidation and strengthening of the United Nations Human Rights Council as the primary organ for the promotion and protection of human rights.

3. Guatemala is convinced of the importance of promoting the highest international human rights standards and fostering their development through active participation in various international human rights forums.

Contributions of Guatemala to human rights at the international level

4. Guatemala has participated and continues to participate actively in international human rights forums, in keeping with its foreign policy. Guatemala was a member of the Commission on Human Rights for the periods 1949-1951, 1967-1972, 1998-2003 and 2004-2006, and participated actively in its work, which enabled it to gain experience in the overall approach to human rights issues in different regions of the world. Moreover, Guatemala was itself subject to the Commission's scrutiny until 1997 and hosted the United Nations Verification Mission in Guatemala (MINUGUA) until 2004.

5. In 2006, Guatemala had the honour of being elected a member of the United Nations Human Rights Council for the period 2006-2008, and again in 2010 for the period 2010-2013, which enabled it to continue to promote universal respect for the protection of all human rights and fundamental freedoms for all, without any distinction and in a fair manner, and to work to strengthen the Council as the primary United Nations human rights body.

6. Guatemala promotes the highest international human rights standards, both in the Council and in the United Nations General Assembly. It promotes human rights initiatives, such as those involving the human rights of indigenous peoples, and supports other initiatives, including those relating to women, migrants, persons with disabilities, the elderly, freedom of expression, the eradication of racial discrimination, human rights defenders, and drugs and human rights. Guatemala chaired the negotiations on Human Rights Council resolution 28/28 on this subject, and also supports initiatives related to business and human rights.

7. Guatemala hopes to use its participation in the international human rights system to promote its rights, defend its interests and promote democratic principles and ideals, the rule of law and respect and promotion of human rights, in order to

ensure that all States are treated equitably in the various international human rights bodies, whatever their size, and that those bodies operate in an objective, transparent and constructive manner.

8. At the international level, the Republic of Guatemala actively supported and voted in favour of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, and at the inter-American level, it is actively participating in the efforts to develop an American declaration on the rights of indigenous peoples. Guatemala is also one of the main sponsors of the initiative seeking to change the existing mandate of the Expert Mechanism on the Rights of Indigenous Peoples, in order to comply with the provisions of the Outcome Document of the World Conference on Indigenous Peoples.

9. Guatemala voluntarily and constructively agreed to be reviewed by the Working Group on the Universal Periodic Review of the Human Rights Council in 2008 and 2012. To monitor implementation of the resulting recommendations and those made by treaty and non-treaty bodies, a national system has set up to monitor implementation of the recommendations made to Guatemala by the oversight bodies of the United Nations system, through a participatory approach involving sectors of civil society and the State. This system operates using information provided by representatives of the relevant institutions.

10. With regard to the implementation of the recommendations of the universal periodic review mechanism, it should be noted that Guatemala made a voluntary commitment to submit a midterm report to the United Nations Human Rights Council in 2015. The 2012-2014 midterm report, on progress achieved with regard to the voluntary pledges and commitments made during the second universal periodic review in 2012 was presented in April 2015. It summarized the five voluntary commitments made by Guatemala as follows: (a) to reform the country's institutional human rights system; (b) to pursue its political agenda to strengthen the specialized justice system with a view to protecting women; (c) to establish policies and programmes aimed at preventing armed violence, with a particular focus on minors; (d) to develop a programme for the protection of journalists; and (e) to continue implementing its permanent system for monitoring the implementation of recommendations, established by the Presidential Commission on Human Rights.

11. Guatemala has also been part of the troika of other countries that have agreed to undergo a review and has promoted dialogue with States under review, maintaining a positive and constructive approach in order to facilitate the promotion and protection of human rights and international cooperation to that end.

12. Guatemala maintains an open-door policy of cooperation with the special mechanisms of the Human Rights Council and the inter-American system that monitor such matters, taking into account their requests, recommendations and urgent appeals. This policy was strengthened after Guatemala became a member of the Human Rights Council in 2006 and 2010.

13. In recent years, the following officials have visited the country:

(a) 2008: Ms. Kyung-wha Kang, United Nations Deputy High Commissioner for Human Rights; Ms. Hina Jilani, Special Representative of the Secretary-General on the situation of human rights defenders; Mr. Jorge A. Bustamante, Special Rapporteur on the human rights of migrants; and Mr. Vernor Muñoz Villalobos, Special Rapporteur on the right to education;

(b) 2009: Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers; and Mr. Olivier De Schutter, Special Rapporteur on the right to food;

(c) 2010: Mr. Anand Grover, Special Rapporteur on the right to health;

(d) 2011: Mr. James Anaya, Special Rapporteur on the rights of indigenous peoples;

(e) 2012: Ms. Navi Pillay, United Nations High Commissioner for Human Rights; and Ms. Najat Maalla M'jid, Special Rapporteur on the sale of children, child prostitution and child pornography;

(f) 2013: Ms. Dinah Shelton, Rapporteur for Guatemala and Rapporteur on the Rights of Indigenous Peoples of the Inter-American Commission on Human Rights;

(g) 2014: Ms. Flavia Pansieri, United Nations Deputy High Commissioner for Human Rights;

(h) 2015: United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

14. In the context of this open-door policy of cooperation with special mechanisms, the mandate of the Office of the High Commissioner for Human Rights in Guatemala was renewed for three more years, from September 2014 to September 2017; this is the third time that the mandate has been renewed since it was established in 2005.

15. Guatemala is a party to the major regional and universal human rights instruments. It also recognizes the importance of the jurisdiction of the oversight bodies established under those treaties with regard to monitoring and oversight. It cooperates closely with them and is essentially up to date on the submission of its national reports to treaty bodies.

16. In this regard, Guatemala has constructively agreed to be reviewed by the human rights treaty bodies of which it is a party. As always, it looks forward to new recommendations in order to continue ensuring and protecting the human rights of its inhabitants. The following reports of Guatemala have been reviewed in recent years: (a) in 2010, its third and fourth reports to the Committee on the Rights of the Child; (b) in 2010, its twelfth and thirteenth reports to the Committee on the Elimination of Racial Discrimination; (c) in 2011, its initial report to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families; (d) in 2012, its third report to the Human Rights Committee; (d) in 2013, its fifth and sixth reports to the Committee against Torture; (e) in 2014, its third report to the Committee on Economic, Social and Cultural Rights; and (f) in 2015, its fourteenth and fifteenth reports to the Committee on the Elimination of Racial Discrimination.

17. In fulfilment of the pledges that the Government of the Republic of Guatemala made in May 2010 upon submitting its candidature for election to the Human Rights Council with regard to the promotion of international treaties and other human rights initiatives, instruments of ratification have been deposited for the following international treaties: (a) the Convention on Cluster Munitions, in 2010; (b) the Rome Statute of the International Criminal Court, in 2012; and (c) the Comprehensive

Nuclear-Test-Ban Treaty, in 2012. With regard to the national implementation of the first two treaties cited, the Congress of the Republic has adopted Decree No. 22-2012 on cluster munitions and is currently concluding the draft bill on the implementation of the Rome Statute, which includes the criminalization of crimes against humanity, war crimes, the crime of genocide and the crime of aggression. It is also concluding the draft bill on cooperation with the International Criminal Court, in accordance with the provisions of the Rome Statute.

18. On 20 March 2014, in the light of the commitment made by Guatemala through the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Congress of the Republic, in accordance with the relevant law, elected the five permanent rapporteurs and five alternate rapporteurs of the National Office for the Prevention of Torture, which is already operational. In March 2015, the Office submitted its first working report to the Congress of the Republic.

19. With regard to the negotiation of treaties, Guatemala actively participated in the negotiations on the Arms Trade Treaty, because it considers that the Treaty contributes to the maintenance of peace and respect for human rights and international humanitarian law. The Treaty was signed by Guatemala in 2013 and is currently being considered by the Congress of the Republic. Guatemala also participated in the negotiations on the draft Inter-American Convention on Protecting the Human Rights of Older Persons and the draft American Declaration on the Rights of Indigenous Peoples, both within the framework of the Organization of American States. Guatemala also supports the international process on the humanitarian impact of nuclear weapons, as reflected in its participation in the conferences held in Oslo in 2013 and Nayarit and Vienna in 2014, because it considers that the use of nuclear weapons is contrary to the principles enshrined in the Charter of the United Nations and is incompatible with international humanitarian law.

20. In recent years, the Government of Guatemala has created offices specializing in different areas that are important for the protection of human rights; these offices are composed of the highest authorities of various ministries and other relevant State institutions, and include notably (a) the Special Office for Women, established in 2012; (b) the Special Office for Social Development, established in 2012; (c) the Special Office for Youth, also established in 2012; (d) the Special Office for Integrated Rural Development, established in 2013, which approved the plan for the implementation of the National Policy for Comprehensive Rural Development; and (e) the Office for Indigenous Peoples and Intercultural Affairs, established in 2014.

21. In the same vein, Guatemala has adopted a number of national plans and policies which have an impact on the exercise of human rights, such as (a) the National Policy for Violence and Crime Prevention, Public Security and Peaceful Coexistence 2014-2034; (b) the National Policy for the Advancement and Integrated Development of Women and its Equal Opportunity Plan 2008-2023; (c) the Public Policy for Coexistence and the Elimination of Racism and Racial Discrimination; and (d) the National Youth Policy 2012-2020.

22. Also of note is the Public Policy for the Compensation of Communities Affected by the Construction of the Chixoy Hydroelectric Dam, which is to be implemented from 2015 to 2019 and is designed to compensate 33 communities adversely affected by the construction of the dam in 1983. The compensation provided will amount to 1.2 billion quetzals (approximately $154 million), for

individual compensation and community projects. In 2015, 32 million quetzals (approximately $4.18 million) were disbursed to individuals and 3.2 million quetzals (approximately $418,000) for community projects. The budgetary allocation for 2016 is 107 million quetzals (approximately $14 million) for individual financial compensation and approximately 113 million quetzals (about $15 million) for the provision of goods and services.

23. It is important to mention the K'ATUN 2032 National Development Plan, which constitutes the 20-year national development policy, covering the period from 2012 to 2032, and sets out the policies, plans, programmes, projects and investments for that period. The Plan incorporates the concepts of social, economic and environmental sustainability and resilience; promotion of social equity; respect for multiculturalism and protection of human rights; and consolidation of democracy, in particular the importance of civil liberties and the participation of citizens in the effort to improve their living conditions and productive capacities.

24. With regard to the rights of indigenous peoples, a strategic alliance has been established between the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala, the Presidential Commission for Coordinating Executive Human Rights Policy, and the Ministry of Foreign Affairs to promote inter-agency coordination of the monitoring of international commitments concerning indigenous peoples. The alliance fulfils its mandate by, among other things, submitting reports to the United Nations and the Organization of American States, monitoring the commitments made in the context of the Permanent Forum on Indigenous Issues and the Expert Mechanism on the Rights of Indigenous Peoples, and keeping track of reports requested by other international organizations. It has promoted the international agenda of indigenous peoples before the relevant national bodies, in an effort to ensure close coordination during the fulfilment of those obligations.

25. With regard to the promotion of the rights of indigenous peoples, noteworthy work is also being done by the Office for the Defence of Indigenous Women, the Guatemalan Fund for Indigenous Development and the Academy of Mayan Languages of Guatemala. There are also 32 specialized units on the topic in State institutions, distributed as follows: 19 in the executive branch, 1 in the legislative branch, 1 in the judicial branch, 10 in the autonomous national institutions, along with the Fiscal Prosecution Unit for the Prevention of Discrimination Offences and the Protection of the Rights of Indigenous Peoples, which was established in 2014 as part of the Human Rights Section of the Office of the Public Prosecutor.

26. In the prevention of and fight against impunity for the crimes of femicide, violence against women, sexual violence, exploitation and human trafficking, multi-person criminal courts of first instance and criminal sentencing courts dealing with the crime of femicide and other forms of violence against women were established in 2012 and 2013. The Comprehensive Care for Victims System is also integrated into these courts. The Secretariat for Women and Gender Analysis, which coordinates, evaluates and directs action on the various aspects of the gender perspective and women's human rights with regard to justice, is also part of the judicial branch. The Secretariat is responsible for implementing the Institutional Policy on Equity, Gender and the Promotion of the Human Rights of Women in the Judicial Branch, which aims to ensure that all judicial actors deliver justice with a view to preventing, punishing and eliminating violence against women. Lastly, the

Unit Responsible for Overseeing, Monitoring and Evaluating Bodies Specializing in the Crime of Femicide and Other Forms of Violence against Women was established to provide technical and administrative support to specialized bodies.

27. In order to help fight impunity in the country, the International Commission against Impunity in Guatemala was set up in 2007 with United Nations support. This is a unique mechanism with few international precedents, which the State has adopted in an effort to meet its obligation to ensure the protection of human rights; the Commission's mandate has been extended until 2017.

28. The State adheres to the commitments made in the Community of Democracies and will therefore continue to participate actively in this group which promotes democratic governance. For Guatemala, democracy involves not just holding free and regular elections, but also accepting other imperatives, such as the separation of powers, the protection of human rights, transparency and the fight against corruption. The exercise of civil and political rights and the guarantees they provide are recognized as essential to democratic life.

29. In terms of public security, comprehensive protective measures focusing on crime prevention, and measures to control factors that have an incidence on crime have been adopted to help create a safe environment for the population. In that regard, in 2014, the Government adopted the National Policy for Violence and Crime Prevention, Public Security and Peaceful Coexistence 2014-2034. This instrument has become a long-term institutional political project that is laying the foundation for the transformation of the security system, replacing the old paradigm of repression with one of crime and violence prevention.

30. With regard to the promotion of security, in October 2012, the State made a commitment to establish a programme for the protection of journalists, in accordance with the recommendation of the 2012 universal periodic review. In November 2013, the President of the Republic, the Ministry of the Interior and the Presidential Commission on Human Rights signed off on the agreement to establish the programme. On the basis of that agreement, a high-level technical round table for the establishment of the programme was held in February 2014. In addition to various government bodies, the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization participated in the round table as observers. Once the programme is established, a law shall be passed to ensure that it has national coverage. In so doing, Guatemala will become the third country in Latin America to adopt a plan for the protection of journalists.

31. Guatemala values the important work being done by human rights defenders and is concerned about their safety. As a result, the Ministry of the Interior established the Unit for the Analysis of Attacks against Human Rights Defenders in Guatemala by Ministerial Decision No. 09-2012, to help promote their safety.

32. Recognizing the importance of the issue of business and human rights, Guatemala became one of the sponsors of a Human Rights Council resolution on human rights and transnational corporations and other business enterprises, and participated in the three sessions of the forum on the issue held in Geneva. Guatemala believes that all States should make progress in the implementation of the Guiding Principles on Business and Human Rights, in accordance with their individual specificities and needs, and that the working group on this topic has the

mandate to guide States, business enterprises, civil society, victims and all interested parties to that end, in a gradual manner and on a voluntary basis. With the support of the Office of the United Nations High Commissioner for Human Rights in Guatemala, a process of outreach and reflection has been launched in the country to foster awareness of and compliance with these principles among government institutions, business enterprises and civil society.

33. Guatemala has made efforts to adopt the necessary legislation and establish the relevant institutions to address the problem of human trafficking. The most notable of these institutions are the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons (established by Decree No. 9-2009, Sexual Violence, Exploitation and Trafficking in Persons Prohibition Act); the Office of the Public Prosecutor with national jurisdiction over human trafficking; courts specializing in the crime of femicide and other forms of violence against women; the Office of the Ombudsman for Victims of Human Trafficking, which is under the Office of the Public Prosecutor for Human Rights; and inter-agency networks against human trafficking at the national level. In addition, the Public Policy against Trafficking in Persons and for the Comprehensive Protection of Victims and its Strategic Action Plan 2014-2020 are being implemented. This policy shall guide the State in preventing, suppressing and punishing human trafficking in all its forms and protecting the victims of this scourge.

34. On the subject of migrants, Guatemala has made progress with regard to care, protection and social reintegration of migrant children and adolescents, which is a global problem. In this regard, the Commission for the Comprehensive Care of Migrant Children and Adolescents was established in 2014 through Governmental Decision No. 146-2014, as an inter-agency body with jurisdiction in four areas: consular protection, psychosocial care and support, social insertion and integration, and the prevention of undocumented migration.

35. Likewise, with regard to the protection of children's rights, in 2010 Decree No. 28-2010 was passed, thus establishing the Alba-Keneth Alert System, the goal of which is to immediately track down and protect abducted or missing children. The law was amended in 2012 to strengthen the Alert System.

Human rights pledges and commitments of Guatemala

36. In the Human Rights Council, Guatemala undertakes to:

At the international level

(a) Enhance the efforts to consolidate the Human Rights Council as the primary United Nations organ for the promotion and protection of human rights;

(b) Participate actively and constructively in all organs and mechanisms of the Human Rights Council;

(c) Support the strengthening of the human rights special procedures system;

(d) Foster coordination and cooperation among all countries of the world to consolidate the system for the promotion and protection of human rights;

(e) Address human rights issues in an equitable, objective and non-selective manner, ensuring the exercise and observance of human, economic, social, cultural, civil and political rights, including the right to development;

(f) Continue encouraging State compliance and engagement with the universal periodic review and national monitoring of accepted recommendations;

(g) Continue following up on the recommendations made by Guatemala during the various reviews of States;

(h) Work unceasingly to promote the full exercise of human rights for all, especially those who, owing to special circumstances, are considered to be more vulnerable and unprotected;

(i) Continue promoting the consideration of important issues in the Human Rights Council, in particular with regard to unaccompanied migrant children and human right;

(j) Continue participating actively in and cooperating with the Expert Mechanism on the Rights of Indigenous Peoples;

(k) Propose, sponsor and promote the implementation of resolutions of the Human Rights Council on human rights and indigenous peoples, the mandate of the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples.

At the national level

(l) Promote in the legislative branch the adoption of international human rights instruments and legislative initiatives for the national implementation of international human rights commitments;

(m) Continue promoting public policies aimed at improving the enjoyment of human rights of vulnerable groups, including children, women, youth, persons with disabilities, the elderly, indigenous peoples, people of African descent, migrants and people with HIV/AIDS;

(n) Promote cooperation and develop mechanisms for dialogue, and strengthen the participation of civil society;

(o) Maintain the open-door policy of cooperation with international human rights oversight mechanisms;

(p) Continue implementing the recommendations of treaty bodies and those accepted by Guatemala during the universal periodic review, and strengthen the national system for monitoring implementation of the recommendations made to Guatemala;

(q) Continue supporting the work of the National Office for the Prevention of Torture;

(r) Cooperate constructively with international human rights bodies;

(s) Continue promoting the issue of business and human rights, in order to ensure that it is better understood at the national level, and review the compliance mechanisms on the issue.

United Nations A/71/78

General Assembly

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Seventy-first session
Item 113 (d) of the preliminary list*
Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Letter dated 22 March 2016 from the Permanent Representative of Brazil to the United Nations addressed to the President of the General Assembly

It is my honour to inform you of the decision of the Government of Brazil to present its candidature to the Human Rights Council for the period 2017-2019, at the elections to be held during the seventy-first session of the General Assembly, in October 2016.

The Government of Brazil looks forward to contributing to the work of the Human Rights Council in a constructive and innovative way and to further strengthening the Council, cooperating with its members and with all Members States to promote the fulfilment of the important mandate entrusted to the Council.

In accordance with General Assembly resolution 60/251, I have the honour to present herewith the voluntary pledges and commitments of the Government of Brazil to the promotion and protection of human rights at the national and international levels (see annex).

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the General Assembly.

(*Signed*) Antonio de Aguiar Patriota
Ambassador
Permanent Representative

* A/71/50.

Annex to the letter dated 22 March 2016 from the Permanent Representative of Brazil to the United Nations addressed to the President of the General Assembly

Candidature of Brazil to the Human Rights Council, 2017-2019

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

Commitment to advancing all human rights in the United Nations system

1. Brazil renews its unconditional commitment to achieving the highest standards in the promotion and protection of human rights at the domestic, regional and international levels. Brazil is fully engaged in the universal human rights system. We are convinced that overcoming many of the most important obstacles to the dignity and well-being of human beings everywhere requires the realization of their rights. We are determined to contribute to the work of the Human Rights Council in a constructive and innovative way.

2. Inspired by the principles of universality and dialogue, Brazil looks forward to remaining fully engaged in the ongoing debate on institutional matters related to the Council. As the Human Rights Council approaches its tenth anniversary, we must seize on the opportunity to assess its activities and achievements and to improve its working methods.

3. A forum such as the Human Rights Council has the responsibility to support national systems to promote and protect human rights for all and to prevent violations of those rights. The Human Rights Council should support countries committed to overcoming their challenges in the field of human rights. By addressing the implementation gap and increasing its capacity to act as a catalyst for change, the Human Rights Council can uphold its credibility and legitimacy, based not only on the inherent value of its goals, but also on its effective impact on the ground.

4. Development and human rights are interrelated and mutually reinforcing. If elected, Brazil will fulfil its mandate bearing in mind this correlation and aiming to reflect it in the activities of the Human Rights Council.

5. Brazil believes the Council is most effective when Member States work across regions to advance human rights, avoiding polarization and allowing the Council to focus on solutions. Whenever addressing a specific situation, a genuine effort should be made through dialogue, cooperation and engagement to identify the most effective way to achieve tangible results, based on the variety of mechanisms established in the Human Rights Council institution-building package and circumstances on the ground. We must establish dialogue, cooperation and engagement as keystones of our work, in order to strengthen the Human Rights Council and to create the conditions for the Council to achieve its goals and fulfil its mandate, as defined in General Assembly resolution 60/251. In observing this mandate, we will work to avoid the politicization of the Council's deliberations, with a view to ensuring the most effective way to achieve the full realization of human rights everywhere. The universal periodic review remains one of the most important mechanisms of the Human Rights Council. After completing two full cycles, it is time to examine possibilities for further refining the universal periodic

review, for example, by offering cooperation based on national experiences and lessons learned.

6. According to General Assembly resolution 60/251, one of the roles of the Council is to contribute, through dialogue and cooperation, to the prevention of human rights violations. However, such a preventive role has been relatively overlooked by the Council and by the United Nations system as a whole.

7. If elected, Brazil will seek to engage States and civil society in a debate on how to enhance the preventive dimension of the Council and that of the United Nations human rights system, through effective and holistic strategies. As the main global human rights forum, the Council has an important role in the identification of situations and issues of concern worldwide and in the analysis of their implications for human rights. As part of our commitment to strengthening the preventive role of the Human Rights Council, Brazil will also continue to support the Council's special procedures, which are an invaluable element of the United Nations human rights system and can be well positioned to function as early warning mechanisms.

8. Besides contributing to the fulfilment of the mandates of existing procedures, Brazil has worked for the establishment of new procedures. This was the case of the new mandate for the Special Rapporteur on the right to privacy, adopted through resolution 28/16, which will be crucial in examining how to uphold this right, as modern technologies challenge privacy on an unprecedented scale.

Participation in the Human Rights Council

9. The promotion and protection of human rights constitute fundamental values on which the legitimacy and democratic foundations of the Brazilian State are based. These values are enshrined in the Brazilian Constitution and are reflected in Brazil's accession to the main international human rights treaties. They are translated into the adoption of a series of policies to promote and protect human rights and the creation of a range of mechanisms to foster dialogue and political participation in the formulation and implementation of related policies.

10. For the period 2017-2019, Brazil reaffirms its determination to participate in the activities of the Human Rights Council in accordance with a non-selective, objective and universal perspective regarding the treatment of human rights, while avoiding politicization or bias. Every situation should be subject to the same objective standards and every deliberation geared towards the achievement of tangible outcomes.

11. In the Human Rights Council, as well as in other United Nations forums, Brazil seeks to articulate partnerships capable of deriving benefit from both South-South and North-South dialogues for the promotion and protection of human rights.

12. Examples of this type of engagement include Brazil's joint submission to the General Assembly of a resolution reaffirming the universality, indivisibility and interdependence of all human rights. Brazil's joint submission of resolutions on the right to privacy in the digital age is also worth recalling. In addition, Brazil has been involved, as a core group member, in the negotiation of several resolutions regularly submitted to the Council, including on: the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, HIV/AIDS, the safety of journalists, the promotion of human rights through sport and the Olympic ideal, technical cooperation, the negative impact of corruption on the enjoyment of human

rights, the fight against racism and racial discrimination, the elimination of discrimination against persons affected by leprosy and their family members and the importance of national systems and mechanisms to follow up on the implementation of human rights recommendations and decisions.

Commitment to advancing all human rights in Brazil

13. At the national level, Brazil reiterates its determination to continue to promote, protect and respect the human rights and fundamental freedoms of all, in all their interrelated dimensions. The Brazilian Government gives priority to initiatives that associate the promotion and protection of human rights with the country's development efforts, in order to empower people to fully enjoy their rights.

14. The planning and execution of national human rights policies are firmly anchored in the third National Human Rights Programme (PNDH-3), adopted in 2010. It sets forth a range of commitments and guidelines for State action and prioritizes human rights as a cross-cutting component of public policies and mechanisms. PNDH-3 is the product of broad discussions among government agencies at the local, state and federal levels and civil society movements and organizations across the country. In addition, the programme mainstreams the principles of the universality, indivisibility and interdependence of all human rights into public policy.

15. In recent years, Brazil has achieved significant progress on a number of fronts related to human rights and has identified areas in which challenges are yet to be confronted.

16. Progress has been remarkable in many areas, including: the fight against extreme poverty and the promotion of the right to an adequate standard of living; the promotion of the right to adequate food; human rights education and training; the promotion and protection of the rights of children and adolescents, older persons and persons with disabilities; the fight against all forms of discrimination and the promotion of the realization of human rights for all, with a particular focus on people of African descent and indigenous peoples, in view of their historical and long-standing economic and social marginalization; the fight against all forms of gender-based violence and discrimination and the promotion of all women's rights; the promotion and protection of the human rights of vulnerable groups; the fight against torture; the protection of human rights defenders; ensuring the right to access to public information and realizing the right to memory and truth.

17. In acknowledging the existence of remaining challenges, Brazil reaffirms its commitment to address and bridge existing gaps.

18. Brazil understands that the activities of the Office of the United Nations High Commissioner for Human Rights and those of the bodies and mechanisms of the United Nations human rights system have provided us with invaluable opportunities to better understand and to overcome many of these challenges. The standing invitation to special procedures mandate holders extended by Brazil since 2001 reflects Brazil's confidence in the effectiveness of such mechanisms.

Commitment to continue to support human rights activities in the United Nations system

19. Brazil reaffirms its commitment to supporting the Office of the United Nations High Commissioner for Human Rights with a view to the effective fulfilment of its

mandate. Brazil will continue to explore ways to enhance its contribution to technical assistance and capacity-building within the scope of the Human Rights Council and in partnership with the Office of the High Commissioner.

20. Brazil attaches great importance to the realization of the full potential of the Human Rights Council and the United Nations human rights system, in support of cooperation with countries seeking to address their respective challenges, for which they may lack the required capacity. As we recognize and face our own challenges in an open and transparent way, we are increasingly supportive of international cooperation through innovative practices and policies.

21. Brasilia was pleased to host, in partnership with the Office of the United Nations High Commissioner for Human Rights, the meeting for Latin America and Caribbean on the International Decade for People of African Descent, from 3 to 4 December 2015. The meeting brought together States, national human rights institutions, civil society organizations and experts working on the human rights of people of African descent from the entire region. The discussion, organized around the themes of the Decade — recognition, justice and development — provided States and other stakeholders with a useful opportunity to share experiences and to reinforce commitments to advance the human rights of people of African descent.

22. A core objective of the 2030 Agenda for Sustainable Development is to leave no one behind. For Brazil, a human rights perspective underpins all aspects of the 2030 Agenda, which envisages a world of universal respect for equality and non-discrimination. As a member of the Human Rights Council, Brazil will work to ensure that the implementation of the 2030 Agenda leads to the respect, protection and fulfilment of civil, cultural, economic, political and social rights, as well as the right to development. As we strive to eradicate poverty, combat inequality and promote environmentally and socially inclusive policies, we are ultimately working for the promotion of human rights and for reaching those furthest behind first.

Voluntary pledges

23. In view of the above, Brazil pledges to:

(a) Continue to actively participate in the activities of the Human Rights Council, in dialogue with other bodies and mechanisms of the United Nations human rights system, on the basis of the principles of universality, impartiality, objectivity and non-selectivity, through strengthening dialogue and international cooperation;

(b) Contribute to the ongoing dialogue on the enhancement of the efficiency and effectiveness of the Human Rights Council in the fulfilment of its mandate, as outlined by General Assembly resolution 60/251, including the need to strengthen the preventive dimension of the Council's mandate;

(c) Seek to engage the membership on the further improvement and strengthening of the universal periodic review;

(d) Continue to support technical assistance and capacity-building activities, in consultation with and according to priorities set by the States concerned, to contribute to the implementation of recommendations accepted under the universal periodic review or received from any other mechanism of the international human rights system;

(e) Effectively implement the recommendations accepted as part of the universal periodic review and received from other mechanisms of the international human rights system;

(f) Uphold its commitment to the strengthening of international cooperation on human rights, in line with the significant experience already acquired in this field, and enhance synergies and cooperation between the Human Rights Council and regional and subregional human rights bodies and mechanisms;

(g) Promote and respect the principles of equality and non-discrimination, both domestically and internationally, in particular with regard to religious discrimination and intolerance, racism, racial discrimination, xenophobia and related intolerance and violence and discrimination against vulnerable groups;

(h) Remain fully engaged in all discussions on the importance of the promotion and protection of human rights on the Internet, in particular the rights to privacy and freedom of expression;

(i) Persist in its unwavering commitment to gender equality and the empowerment of women, with emphasis on ending violence against women and girls and promoting the full participation and leadership of women in the political and economic spheres;

(j) Remain committed to the completion of the negotiation of an international legal instrument on the rights of older persons;

(k) Continue its involvement in the promotion and protection of the human rights of children and adolescents, with a focus on combating violence against children, child sexual exploitation and child labour;

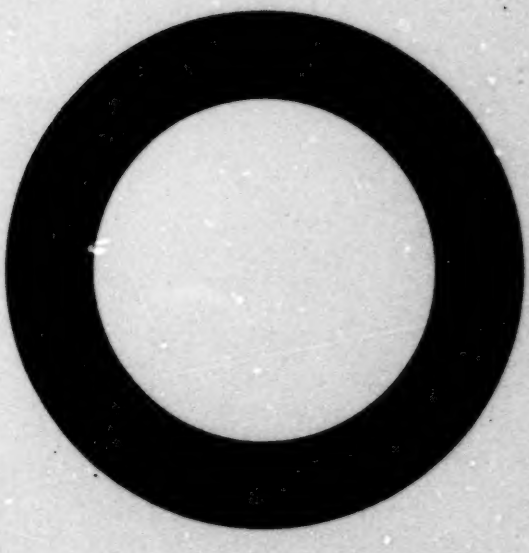
(l) Remain engaged in the promotion and protection of the right to the highest attainable standard of physical and mental health, which contributes to and is dependent on the realization of many other human rights;

(m) Continue to emphasize the importance of implementing the right to development, an important tool to surmount the challenges to our common future, including poverty, inequality, hunger, unemployment, lack of access to clean water and sanitation and limited sources of energy and natural resources;

(n) Continue to promote and protect the rights of persons with disabilities, so as to ensure their full participation in society;

(o) Promote the full realization of the human rights of all migrants and refugees, regardless of their migratory status, and combat discrimination against and stigmatization of such individuals;

(p) Remain engaged in the promotion of the implementation of the commitments contained in the United Nations Declaration of the Rights of the Indigenous Peoples and the outcome document of the World Conference on Indigenous Peoples.



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Item 74 of the preliminary list*
Responsibility of States for internationally wrongful acts

Responsibility of States for internationally wrongful acts

Comments and information received from Governments

Report of the Secretary-General

I. Introduction

1. The International Law Commission adopted the articles on responsibility of States for internationally wrongful acts ("State responsibility articles") at its fifty-third session, in 2001. In its resolution 56/83 of 12 December 2001, the General Assembly took note of the State responsibility articles adopted by the Commission, the text of which was annexed to that resolution, and commended them to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action.

2. In its resolutions 59/35 of 2 December 2004, 62/61 of 6 December 2007 and 65/19 of 6 December 2010, the General Assembly requested the Secretary-General to invite Governments to submit their written comments on any future action regarding the articles. Following its consideration of the written comments received from Governments,[1] as well as the compilations of decisions prepared by the Secretary-General,[2] the Assembly, in its resolution 68/104 of 16 December 2013, continued to acknowledge the importance and usefulness of the State responsibility articles, and once again commended the articles to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action. The Assembly reiterated its request that the Secretary-General invite Governments to submit their written comments on any future action regarding the articles and also requested the Secretary-General to update the compilation of decisions of international courts, tribunals and other bodies referring to the articles. In addition, the Assembly decided to further examine, at its seventy-first session, within the framework of a working group of the Sixth Committee and with a view to

* A/71/50.
[1] See A/62/63 and Add.1, A/65/96 and Add.1 and A/68/69 and Add.1.
[2] See A/62/62 and Corr.1 and Add.1, A/65/76 and A/68/72.

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taking a decision, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles.

3. By notes verbales dated 10 January 2014 and 21 January 2015, the Secretary-General invited Governments to submit, no later than 1 February 2016, their written comments on any further action regarding the State responsibility articles. In those notes, he also invited Governments to submit information regarding decisions of international courts, tribunals and other bodies referring to the articles.

4. As at 8 April 2016, the Secretary-General had received written comments from Australia (dated 5 February 2016), Austria (dated 12 February 2016), the Czech Republic (dated 29 January 2016), El Salvador (dated 26 January 2016), Finland (dated 11 February 2016), Mexico (dated 15 March 2016), Portugal (29 January 2016) and the United Kingdom of Great Britain and Northern Ireland (dated 29 March 2016).[3]

II. Comments on any future action regarding the articles on responsibility of States for internationally wrongful acts

Australia

[Original: English]
[5 February 2016]

The articles on the responsibility of States for internationally wrongful acts are the product of over 50 years of work by the International Law Commission, which resulted in the articulation of one of the most complex and challenging areas in international law. The articles are proving their worth as a persuasive source of guidance for both Governments and courts, as demonstrated by the 2013 report of the Secretary-General on the responsibility of States for internationally wrongful acts[4] and more recent International Court of Justice jurisprudence.

We wish to reiterate the points that Australia made, on behalf of Australia, Canada and New Zealand, at the Sixth Committee discussion on the articles at the sixty-eighth session of the General Assembly in 2013.[5] The views that Australia expressed at that time are unchanged. Australia considers that the articles should not be negotiated among States with a view to turning them into a convention. We believe that the articles serve a useful purpose by guiding international bodies, as well as Governments, through their analysis of sensitive issues and their efforts to find resolutions under international law. Australia is keen to avoid a process through which the influence of the articles is diluted and the work of the International Law Commission in formulating the articles is undermined. In our view, it is more important to preserve the authority of the articles in practice than to codify them in a convention that may not achieve universality.

[3] Extracts from the comments by the United Kingdom of Great Britain and Northern Ireland, pertaining to the content of the State responsibility articles, will be made available, for the information of delegations, on the website of the Sixth Committee at the seventy-first session of the General Assembly (www.un.org/en/ga/sixth/).

[4] A/68/72.

[5] See A/C.6/68/SR.15, paras. 1-2.

Australia continues to support the adoption of a resolution endorsing the articles and attaching them as an annex. This approach would maintain the integrity of the articles and ensure that the excellent work of the International Law Commission is preserved.

Austria

[Original: English]
[12 February 2016]

Regarding the question of the legal form to be chosen for the result of the work of the International Law Commission on the subject of the responsibility of States for internationally wrongful acts, Austria, in principle, would be in favour of the adoption of a convention. However, the project of a convention should only be pursued if there are sufficient assurances that the current structure and balance of the draft articles will be maintained and a renewed discussion of their substantial provisions avoided and if there are realistic prospects for a wide ratification and acceptance of such a convention.

Austria believes that it is essential to get a clear picture of these issues in advance and is prepared to engage in discussions with interested States on the question of whether the conditions for future work on a convention exist.

Czech Republic

[Original: English]
[29 January 2016]

The written comments of the Czech Republic on further action regarding the articles were presented to the Secretary-General in a note verbale dated 31 January 2007.[6] Since that date, there have been no major developments requiring a change to this position. Consequently, the Secretary-General is referred to the position stated in the above-mentioned note.

El Salvador

[Original: Spanish]
[26 January 2016]

El Salvador recognizes the importance of the articles on the responsibility of States for internationally wrongful acts, which are the result of the arduous and methodical work of codification and progressive development undertaken by the International Law Commission, with the participation of important jurists and experts.

We believe that the content of these articles reflects the crystallization of the concept of State responsibility as a principle of international law and that the adoption of a binding instrument in this area will allow for safeguards and

[6] See A/62/63.

satisfactory outcomes, consistent with the rule of law, with respect to the commission of wrongful acts.

In this regard, we reaffirm[7] our support for the holding of an international conference aimed at drafting a convention on the responsibility of States for internationally wrongful acts, which will have more lasting and beneficial effects than can be achieved with non-binding instruments.

Finland

[Original: English]
[11 February 2016]

The Permanent Mission of Finland to the United Nations is pleased to submit the following on behalf of all the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden):

(a) The Nordic countries have, on several occasions, provided comments on the draft articles on State responsibility.[8] These articles have become the most authoritative statement available on questions of State responsibility. A growing body of jurisprudence refers to the articles as "established rules" or as an "expression of accepted principles" of international law;

(b) The Nordic countries continue to hold the view that the strongest possible position for the articles is to be included as an annex to a General Assembly resolution. Notwithstanding the fact that there are different views on specific details, the articles reflect a widely shared consensus. A diplomatic conference aimed at producing a convention might jeopardize the delicate balance built into the articles. For these reasons, the Nordic countries continue to believe that it would not be advisable at the present time to embark on negotiations for a convention on responsibility of States for internationally wrongful acts.

Mexico

[Original: Spanish]
[15 March 2016]

The history of the twentieth century has reflected the international effort to bring clarity to the law of international responsibility of both individuals and States. The development of the primary rules of the international legal order must be accompanied by a strengthening of the secondary rules, in particular given that the basis for determining the international responsibility of a State is an issue that cuts across all areas of international law.

Since the fifty-third session of the General Assembly,[9] Mexico has spoken in favour of the view that the outcome of the work of the International Law Commission on the responsibility of States for internationally wrongful acts should take the form of a legally binding instrument.

[7] See A/65/96/Add.1 and A/68/69.
[8] See A/62/63 and A/65/96.
[9] See, among others, A/C.6/56/SR.14, para. 20, A/C.6/59/SR.16, para. 17, and A/65/96.

The support of Mexico for this option has been reiterated on numerous occasions. As it maintained during the sixty-second session of the General Assembly,[10] when discussing the form that the articles should take, the codification of the rules on State responsibility remains an imperative for the international community.

The option of formulating a declaration on the basis of the Commission's articles would have the disadvantage of being considered "soft law", without binding force, and would not be able to offer the guarantees and certainties necessary to obtain redress for acts contrary to international law.

Mexico believes that, for the sake of legal certainty, the development of an international treaty based on the draft articles prepared by the Commission is feasible and desirable, bearing in mind that this process of codification would allow for a review by States and, to a lesser extent, would represent an exercise in crystallization or progressive development of the law regarding the weaknesses in the articles, which have been extensively studied and identified in the literature and by States themselves.

In its statements made during the sixty-eighth session of the General Assembly,[11] the Community of Latin American and Caribbean States (CELAC), of which Mexico is a member, spoke in favour of the establishment of a working group within the Sixth Committee as the most suitable means for achieving the possible drafting of a convention on the matter. CELAC also expressed its willingness to contribute to the discussion on this item.

Mexico believes that the future of the draft articles on State responsibility for internationally wrongful acts should continue to be analysed and discussed. Together with the delegations of the Czech Republic, Guatemala, Portugal and South Africa, Mexico has co-organized the three editions of the side event entitled "Responsibility of States: state of play and the way forward" to raise awareness of the process and to prepare for deciding on future action to be taken on the draft articles. These events have provided valuable forums for a discussion of the benefits and risks associated with the drafting of a treaty on the matter. While Mexico recognizes the various arguments and factors that could hinder consensus, excessive caution should not stand in the way of efforts to seek a broadly accepted agreement at a diplomatic conference.

After 50 years of work in the Commission and another 15 years since the Commission developed its draft articles on the responsibility of States for internationally wrongful acts, it has been found in State practice and the decisions of international tribunals that the articles contain the formulation of certain customary rules widely accepted by States. The existence of customary rules and principles related to the international responsibility of States is independent of their potential formulation in a convention. However, their codification in a legally binding instrument would provide clarity and legal certainty in this area.

In view of the foregoing, Mexico looks forward to the discussion of the item during the seventy-first session of the General Assembly, within the framework of a working group of the Sixth Committee, and "reaffirms its belief that the best way in which the State responsibility articles can help to achieve the aims set forth in

[10] See A/C.6/62/SR.12, paras. 80-83.
[11] See A/C.6/68/SR.15, para. 4.

Article 13, paragraph 1 (a), of the Charter of the United Nations — whose importance has been consistently reaffirmed by the General Assembly in the context of this topic — is through the adoption of a treaty".[12]

Portugal

[Original: English]
[29 January 2016]

It has been nearly 70 years since the International Law Commission decided to embark on what was certainly one of its most important projects. The topic has been maturing since 1949, when the Commission first selected the subject of State responsibility as being suitable for codification, together with the law of treaties and diplomatic relations. In 2013, the General Assembly decided again to include the topic in the provisional agenda of its seventy-first session and to further examine, within the framework of a working group of the Sixth Committee and with a view to taking a decision, the question of a convention on responsibility of States for internationally wrongful acts or other appropriate action on the basis of the articles on the matter,[13] of which the Assembly had taken note in 2001 and has discussed every three years since then.

The articles have thus undergone a long period of maturation, and Portugal feels that the time has come to seek agreement on a way forward and that the adoption of a convention, possibly through a diplomatic conference, could be the best way ahead. This was indeed the second stage that the Commission had recommended, in its report to the General Assembly in 2001,[14] in the light of the importance of the topic. This path is also the one that honours best the work of the Commission and of its Special Rapporteurs, while conferring upon States a leading role in international law-making processes on such a crucial legal domain.

It is, however, important to be able to take an informed decision, at the seventy-first session of the General Assembly, on the possibility of opening negotiations on a convention on State responsibility. Past discussions in the Sixth Committee and written comments by Governments, as well several recently organized informal panels, have helped to identify points in common and of divergence among Member States. Portugal recognizes that Member States have different views as to the future of the articles, which range from supporting a convention to merely adopting the articles in a General Assembly resolution or to keeping the status quo.

Given that Portugal has already had the opportunity to state before the Sixth Committee[15] and in its previous written comments on the matter in 2007, 2010 and 2013,[16] it continues to believe that this is an area of international law that deserves to be incorporated into a legal instrument that will certainly contribute in a decisive manner to respect for international law and to peace and stability in international

[12] See A/65/96.
[13] See resolution 68/104.
[14] See A/53/10, in *Yearbook of the International Law Commission*, 2001, vol. II (Part Two), para. 73.
[15] A/C.6/56/SR.14, para. 68, A/C.6/59/SR.15, paras. 73-74, A/C.6/62/SR.12, para. 70, A/C.6/65/SR.15, paras. 9-10, and A/C.6/68/SR.15, para. 12.
[16] See note 1 above.

relations. States must not be overcautious about moving forward in this area, given that the only concern is to establish the consequences of the international wrongful acts and not to provide a definition of the wrongful act itself. State responsibility pertains only to the secondary rules and not the primary rules that define the obligations of States. If one wants convincing evidence for the opportunity and fundamental need to proceed in this field, then one only has to turn to State practice and to the decisions of international courts and tribunals, including the case law of the International Court of Justice.

The various reports prepared by the Secretary-General containing a compilation of decisions of international courts, tribunals and other bodies[17] clearly illustrate this. Furthermore, it would be senseless not to proceed in the development and codification of this matter and to continue to proceed in others, such as diplomatic protection, liability and responsibility of international organizations, when the main principles that guide the development of these latter subjects are the same that apply to State responsibility.

Therefore, Portugal considers that the articles on responsibility of States for international wrongful acts should be adopted as a binding international convention. We remain open to discussing possible intermediary steps, such as a preparatory committee in order to better identify the points of agreement and disagreement and move towards establishing a diplomatic conference for the drafting of a convention on safe ground and on the basis of the current articles.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[29 March 2016]

The United Kingdom considers the draft articles on the responsibility of States for internationally wrongful acts to be one of the most significant projects that the International Law Commission has produced in recent years. Aspects of the draft articles continue to be highly influential, as evidenced by the judgments of international and national courts and tribunals that make reference to them and the recourse that Governments have to them in formulating their legal views. However, the very breadth of the draft articles, both in terms of their scope and formulation, means that it is still premature to say that they reflect in their entirety customary international law or a settled consensus of views among States. There remain elements of uncertainty and disagreement. As the United Kingdom has said on previous occasions before the Sixth Committee,[18] during the process through which the draft articles are further engrained and the practice of States becomes more settled, there are dangers in pressing ahead towards a convention. Such a course would risk provoking divergences and differences of views and thereby threaten the very coherence that the draft articles are seeking to instil. At the present time, the United Kingdom does not consider that any action should be taken to adopt or formalize the articles. Furthermore, the United Kingdom does not consider any further action from the General Assembly to be necessary at the present time, given that resolution 56/83 annexing the draft articles welcomed the Commission's work

[17] See note 2, above.
[18] A/C.6/56/SR.11, para. 23, A/C.6/59/SR.15, para. 70, A/C 6/62/SR.13, para. 16, A/C.6/65/SR.15, para. 11, and A/C.6/68/SR.16, paras. 23-24.

on them, took note of them and commended them to the attention of Governments. We are most grateful to the Commission for producing such significant work, but in the light of the evolving use and practice of States in relation to the draft articles, the United Kingdom does not consider further action to be necessary at the present time.

III. Information on State practice regarding the articles on responsibility of States for internationally wrongful acts

Czech Republic

[Original: English]
[29 January 2016]

The Czech Republic has at its disposal three published arbitral awards referring to the articles:

(a) The partial award on *European Media Ventures S.A. vs. the Czech Republic*, issued on 8 July 2009;

(b) The final award on *InterTrade Holding GmbH vs. the Czech Republic*, issued on 29 May 2012;

(c) The final award on *ECE Projektmanagement International GmbH vs. the Czech Republic*, issued on 19 September 2013.

The articles were discussed in connection with the attribution of acts to the State.

United Kingdom of Great Britain and Northern Ireland

[Original: English]
[29 March 2016]

Concerning the request for information on State practice regarding the articles on responsibility of States for internationally wrongful acts, the following are extracts from three cases before the courts of the United Kingdom in which the articles were referenced:

R. (on the application of Al-Saadoon) v Secretary of State for Defence [2015] EWHC 715 (Admin)

"191.The need to ensure that those who are complicit in torture are held criminally responsible is reflected in article 4 of [the United Nations Convention against Torture], which states:

'1. Each State party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

2. Each State party shall make these offences punishable by appropriate penalties which take into account their grave nature.'

192. The question then arises of what amounts to 'complicity' for these purposes. A natural place to look for a principle on which responsibility may be based is article 16 of the Draft Articles on the Responsibility of States for Internationally Wrongful Acts adopted by the International Law Commission on 9 August 2001 (the "ILC Draft Articles")[, on "Aid or assistance in the commission of an internationally wrongful act"] 193. In Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro) [the International Court of Justice referred to] article 16 of the ILC Draft Articles when discussing what constituted complicity in genocide, and affirmed its status as customary international law.

194. In principle it seems to me that transferring a person into the custody of another State, if done with knowledge of the relevant circumstances, could amount to assistance giving rise to responsibility in accordance with article 16 for complicity in acts of torture or other serious mistreatment by the receiving State.

195. An argument might be made that article 16 of the ILC Draft Articles is only applicable if the receiving state is also a party to the [European Convention for the Protection of Human Rights and Fundamental Freedoms] so that the act committed by the receiving State is itself a violation of article 3 of the Convention. However, I think that such an approach would be unduly narrow. The relevant focus is on the conduct of the transferring State and on identifying when that State may be held to have violated article 3. It cannot matter for this purpose whether or not the receiving State which perpetrates the treatment is also a member of the Council of Europe and has undertaken an international obligation to respect article 3. The wrongfulness of assisting in torture is the same irrespective of whether the party which actually inflicts the torture is subject to the same legal regime. Complicity need not involve joint liability.

196. An alternative approach to relying on article 16 of the ILC Draft Articles, which avoids any problem about whether as a matter of construction article 16 applies, would be to fashion a similar principle of responsibility for complicity in torture or other prohibited treatment by interpretation of article 3 of the Convention itself."

R. (on the application of Western Sahara Campaign UK) v Revenue and Customs Commissioners [2015] EWHC 2898 (Admin)

"49. Fifthly, the non-State nature of the commercial companies who made exploration agreements with Morocco meant no consideration was given to the status of the International Law Commission's 2001 Document on the Responsibility of States for Internationally Wrongful Acts (see Ch.III arts 40-41 and the duty on States to cooperate to end serious breaches of a peremptory norm of international law). If such an obligation is now part of customary international law, it is possible that a failure by an administering power to promote self-determination will be considered such a serious breach. Equally, the fact that trade agreements are made that benefit the population of the occupied territory generally without regard to the fact that some of the population are said to be present in the territory as a result of the original unlawful act may be evidence of a serious breach of international law."

Rahmatullah v Ministry of Defence [2014] EWHC 3846 (QB)

> **"63. Even if the immunity afforded to officials of the State is analysed in terms of 'indirect impleading', this does not assist the defendants. Jones v Saudi Arabia demonstrates that State immunity extends to agents of the State whose acts are attributable to it. The House of Lords located the relevant rules of attribution in the Draft Articles on the Responsibility of States for Internationally Wrongful Acts promulgated by the International Law Commission: see [2007] 1 AC 270, 281–2, para 12. The manner in which the State's interests would be affected by a judgment against the defendant is therefore that the judgment would be against a person for whose conduct the State is liable under international law. By contrast, in the present case it is not and could not be suggested that the wrongful acts allegedly done by British officials were done on behalf of the United States of America or are attributable to the United States. The defendants are not agents of the United States but of a different sovereign state, the United Kingdom. It is therefore nothing to the point that the immunity of the United States would apply to an action brought against any of its own officials."**